Docket Management Comment Form

Docket: 02N-0278 - Bioterrorism Preparedness; Prior Notice of Imported Food Shipments, Section 307

Review Comment Submission

Comments for FDA General	
Submitter	**Ms. Janet Wengler**
Organization	**Reckitt Benckiser Inc.**
Category	**Company**

Questions/Responses	
1. General Comments	April 3, 2003 Dockets Management Branch (HFA-305) Food and Drug Administration 5630 Fishers Lane Room 1061 Rockville, MD 20852 Re: Docket No. 02N-278 Prior Notice of Imported Food Under the Public Health and Bioterrorism Preparedness and Response Act of 2002; Notice of Proposed Rulemaking Reckitt Benckiser Inc manufactures and markets food and consumer products. Our primary business is consumer products. Our food business is limited to two manufacturing facilities in the U.S. where we manufacture FRENCH'S mustards and Taste Toppers and other retail and restaurant condiments. We also have a limited import/export business. We support FDA's efforts to ensure the safety and security of America food supply and we wish to cooperate in the implementation of this new requirement. However, we feel that the system proposed is too complex and rigid to be workable and may be at risk for failure. We fully support the comments being submitted by the Grocery Manufacturers of America relating to this matter. The Bioterrorism Act limits the information in a Prior Notice. The Act specifically calls for seven pieces of information: the identity of the article of food, manufacturer and shipper, grower, if know, originating country, country from which the article was shipped, and the anticipated port of entry. FDA proposes to require far more information than is needed without justifying the need for this additional information FDA has failed to coordinate the Prior Notice Requirement with existing Customs Service requirements The proposed

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	system is at times duplicative and is not integrated with the current Customs entry system. The time periods for Prior Notice and amendments and updates are not workable and should be made flexible. Requiring notice by noon of the day before the anticipated importation will cause an increased amount of amendments and updates. For example, in the case of commodity ingredients from our close neighbors of Canada and Mexico practically all shipments will have to be kept at the border awaiting notification amendments and updates. Docket # 02N-0278 Reckitt Benckiser Comments Page 2 We support the suggestions offered by GMA to enhance the workability of the Prior Notice system; ensure that the functions of the prior notice are achieved; reduce the burdens of compliance and reduce the likelihood of systemic failure. We suggest that FDA eliminate unnecessary data elements from Prior Notice; create more flexible time periods for notice and provide for a single Prior Notice to cover a shipment of multiple articles of food. The registration and Prior Notice systems should be connected in order to expedite data entry. Research and development samples should be exempted from prior notice or, alternatively, covered by a "blanket notice". And finally, the amendment and update process should be more flexible with inadequate notice subject to immediate correction. CONCLUSION Reckitt Benckiser recognizes that creating a prior notice system for the nation's food supply is an extremely difficult task. However, we feel that the current proposal results in a system that will be too complex and rigid to be workable and may cause a serious disruption in commerce. More importantly, it will not achieve the goals that Congress established. Thank you for your consideration of these comments. Sincerely, Janet M Wengler Director of Government Affairs Reckitt Benckiser Inc. (254) 546-0298 janet.wengler@reckittbenckiser.com

REMINDER: Your submitted comments and name will become part of the public record and may be posted to the FDA web site.

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RECKITT BENCKISER
NORTH AMERICA

April 3, 2003

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Docket No. 02N-278. Prior Notice of Imported Food Under the Public Health and Bioterrorism Preparedness and Response Act of 2002; Notice of Proposed Rulemaking

Reckitt Benckiser Inc. manufactures and markets food and consumer products. Our primary business is consumer products. Our food business is limited to two manufacturing facilities in the U.S. where we manufacture FRENCH'S mustards and Taste Toppers and other retail and restaurant condiments. We also have a limited import/export business.

We support FDA's efforts to ensure the safety and security of America food supply and we wish to cooperate in the implementation of this new requirement. However, we feel that the system proposed is too complex and rigid to be workable and may be at risk for failure. We fully support the comments being submitted by the Grocery Manufacturers of America relating to this matter.

The Bioterrorism Act limits the information in a Prior Notice. The Act specifically calls for seven pieces of information: the identity of the article of food, manufacturer and shipper, grower, if know, originating country, country from which the article was shipped, and the anticipated port of entry. FDA proposes to require far more information than is needed without justifying the need for this additional information.

FDA has failed to coordinate the Prior Notice Requirement with existing Customs Service requirements. The proposed system is at times duplicative and is not integrated with the current Customs entry system. The time periods for Prior Notice and amendments and updates are not workable and should be made flexible. Requiring notice by noon of the day before the anticipated importation will cause an increased amount of amendments and updates. For example, in the case of commodity ingredients from our close neighbors of Canada and Mexico practically all shipments will have to be kept at the border awaiting notification amendments and updates.

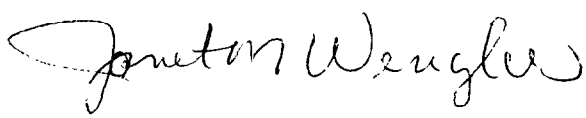
We support the suggestions offered by GMA to enhance the workability of the Prior Notice system; ensure that the functions of the prior notice are achieved; reduce the burdens of compliance and reduce the likelihood of systemic failure. We suggest that FDA eliminate unnecessary data elements from Prior Notice; create more flexible time periods for notice and provide for a single Prior Notice to cover a shipment of multiple articles of food. The registration and Prior Notice systems should be connected in order to expedite data entry. Research and development samples should be exempted from prior notice or, alternatively, covered by a "blanket notice". And finally, the amendment and update process should be more flexible with inadequate notice subject to immediate correction.

CONCLUSION

Reckitt Benckiser recognizes that creating a prior notice system for the nation's food supply is an extremely difficult task. However, we feel that the current proposal results in a system that will be too complex and rigid to be workable and may cause a serious disruption in commerce. More importantly, it will not achieve the goals that Congress established.

Thank you for your consideration of these comments.

Sincerely,



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